

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANTHONY L. PRUITT,)	
)	
Movant,)	
)	
v.)	No. 4:09-CV-226-CEJ
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court upon review of the movant's response to the order directing him to show cause why his motion to vacate, set aside or correct sentence, filed pursuant to 28 U.S.C. § 2255, should not be dismissed. Having carefully reviewed movant's response, the Court concludes that the instant action is time-barred under 28 U.S.C. § 2255(f) and is subject to summary dismissal.

On August 28, 2007, movant pled guilty to violations of 18 U.S.C. § 922(a)(receiving a firearm while under indictment) and 18 U.S.C. § 1512(b)(1)(intimidating and making threats to prevent the testimony of another person). He was sentenced on November 9, 2007, and he did not appeal the judgment. As such, his conviction became final, at the latest, ten days after his November 7, 2007 sentencing. See Fed.R.App.P.4(b)(1).

Section 2255(f) of Title 28, establishes a one-year limitation period for filing a motion to vacate. As applied to this case, the one-year period began

to run from the date on which the conviction became final. The instant motion was mailed to this Court on or about January 28, 2009, approximately two months after the expiration of the one-year limitation period.

Therefore,

IT IS HEREBY ORDERED that the motion of Anthony L. Pruitt to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **denied**.

Dated this 6th day of April, 2009.


UNITED STATES DISTRICT JUDGE